

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Taylor Farms Retail, Inc.,

Case No. 23-CV-2005 (KMM/DJF)

Plaintiff,

ORDER

v.

J&J Distributing Co., et al.,

Defendants.

This matter comes before the Court upon the Report and Recommendation (R&R) of United States Magistrate Judge Dulce J. Foster, dated October 12, 2023. The R&R recommends that this action be dismissed under Rule 4(m) of the Federal Rules of Civil Procedure. In support of its recommendation, the R&R cited both Plaintiff's failure to serve the complaint within 90 days after the complaint was filed and Plaintiff's failure to respond to Judge Foster's September 28, 2023 Order requiring Plaintiff to provide proof of service or good cause for the failure to serve within Rule 4(m)'s timeline. Plaintiff has not objected to the R&R and has not engaged in the litigation in any meaningful way since a summons was issued on June 30, 2023.

The Court reviews de novo any portion of the R&R to which specific objections are made. 28 U.S.C. § 636(b)(1); D. Minn. LR 72.2(b). In the absence of objections, the Court reviews the R&R for clear error. *Nur v. Olmsted County*, 563 F. Supp. 3d 946, 949 (D. Minn. 2021) (citing Fed. R. Civ. P. 72(b) and *Grinder v. Gammon*, 73 F.3d 793, 795 (8th

Cir. 1996) (per curiam)). Based on the Court's careful review of the R&R and the record in this case, the Magistrate Judge committed no error, clear or otherwise.

Accordingly, **IT IS HEREBY ORDERED** that this matter is **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 4(m) for failure to prosecute.

Let Judgment Be Entered Accordingly.

Date: **March 6, 2024**

s/ Katherine M. Menendez

Katherine M. Menendez
United States District Judge